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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

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April 21, 2005

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FACSIMILE COVER SHEET

APR 21 2005

To: Examiner Sargon N. Nano
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/845,596
Filed: April 30, 2001
Applicant: Robert Miller et al.
Art Unit: 2157
Confirmation No.: 3237
Our Ref: IBM/177

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of
Facsimile Transmission (2 pages)
Response After Final (4 pages)

Pages: 7 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (7 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Sargon N. Nano, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on April 21, 2005.

Judith L. Volk
Judith L. Volk

April 21, 2005
Date

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PATENT

Att'y Docket No. IBM/177/124

Confirmation No. 3237**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk
Judith L. Volk

April 21, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Miller et al. Art Unit: 2157
Serial No.: 09/845,596 Examiner: Sargon N. Nano
Filed : April 30, 2001
For : GROUP ACCESS PRIVATIZATION IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ **Transmitted herewith is a Response After Final.**
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ **Other than a Small Entity**
3. **The fee has been calculated as shown below:**

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	27	minus	27	0	\$50	\$0.00
Independent Claims	4	minus	4	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ **No additional fee for claims is required.**

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Serial No. 09/845,596
Transmittal for Response After Final of April 21, 2005
IBM Docket: ROC920000273US1
WH&E IBM/177
Filed in ITA Response After Final Transmittal and

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$_____

Method of Payment:

Check enclosed in the amount of \$_____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



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Response After Final (7pages)

PATENT

IBM/177
Confirmation No. 3237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/845,596
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For: GROUP ACCESS PRIVATIZATION IN CLUSTERED COMPUTER
SYSTEM

Art Unit: 2157
Examiner: Sargon N. Nano
Atty. Docket No.: IBM/177

APR 21 2005

RESPONSE AFTER FINAL

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the final Office Action dated January 27, 2005, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested. Moreover, Applicants respectfully submit that the arguments presented herein do not raise any new issues, and are properly considered after final.

In the subject Office Action, the Examiner maintained the previous rejections. Specifically, claim 24 was again rejected under 35 U.S.C. § 112, second paragraph, and claims 1-27 were again rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,536,597 to Porter et al. Applicants respectfully traverse the Examiner's rejections to the extent they are maintained.

As an initial matter, Applicants wish to thank the Examiner for the consideration granted in the telephonic interview conducted on April 20, 2005. In the interview, Applicants presented arguments regarding the differences between the claimed subject matter and Porter et al. Applicants also noted that the §112 rejection should be withdrawn, as Applicants amended the claim as suggested by the Examiner. The Examiner agreed to consider these arguments and issue a new action in due course.

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Serial No. 09/845,596
Response After Final dated April 21, 2005
Reply to Office Action of January 27, 2005
IBM Docket ROC920000273US1
WH&E IBM/177
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